

### **REMARKS**

Reconsideration of the application is respectfully requested.

#### **I. Status of the Claims**

Claims 1 and 2 are amended. No new matter is added.

Claim 4 was previously canceled without prejudice or disclaimer of the subject matter therein.

Claim 5 is canceled without prejudice or disclaimer of the subject matter therein.

Claims 1-3 and 6 are currently pending.

#### **II. Claim Rejections Under 35 U.S.C. § 103**

Claims 1-4 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,325,037 to Castro ("Castro") in view of Japanese Patent No. JP 2003-24512 to Keiji ("Keiji"). Applicants respectfully traverse these rejections.

With respect to independent claim 1, the Examiner contends that Castro discloses all of the claimed limitations except that the vending machine disposes medals in the tray. (Detailed Action, Item 1, Page 2). The Examiner states that Keiji discloses a medal gaming device with a medal tray that keeps medals from sticking onto the inner wall. (Detailed Action, Item 1, Page 2). The Examiner further contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of dispensing items using a protrusion within the rear wall as taught by Castro, to improve dispensing items into the tray of Keiji to achieve the predictable result of dispensing items in a manner that limits the amount of items between the rear wall and the bottom wall. (Detailed Action, Item 1, Page 4).

Claim 1 requires a protrusion portion joined to a rear wall. The protrusion portion is tapered in the vertical direction from a base portion joined to the rear wall toward a tip. The protrusion portion is disposed between a medal ejection port and a bottom wall so that medals ejected from the medal ejection port fall on a tapered portion of the protrusion portion. Thus, as medals that are

ejected from the medal ejection port fall on the tapered portion of the protrusion portion, the medals are lead to the front of the medal tray along the tapered potion of the protrusion.

Claim 1 is amended to require that the protrusion portion “extends across the entire width of the rear wall.” Thus, even if multiple medals are ejected from the medal ejection port in random directions, all of the medals that hit against the rear wall are directed to the front of the medal tray. This prevents medals from accumulating at the back of the medal tray.

The Examiner contends that Fig. 5 of Castro discloses the protrusion portion recited in amended claim 1. (Detailed Action, Item 1, Page 2). However, Castro only discloses a side view of the protrusion portion in Fig. 5. (Castro, Fig. 5) Moreover, Castro fails to describe the protrusion portion in the Specification. Therefore, it is not apparent what shape the protrusion portion has. Because Fig. 5 is rendered in a side view, the feature that the Examiner points to as corresponding to the protrusion portion of claim 1 may not be located under the butter dispensing unit, but instead may be a separator between the butter dispensing units. Moreover, if the protrusion is meant to direct the butter to the front of the tray, a gap between the protrusion and the tray would have no obvious purpose. If a non-obvious purpose does exist, it seems likely that this would be described in the Specification, especially since one of ordinary skill could foresee a pat of discharged butter sliding into the gap, making it difficult for a patron to retrieve the butter. Additionally, a pat, or portion thereof, could remain in the gap and spoil. However, the Specification of Castro is silent as to the protrusion.

Further, Castro only discloses a construction where butter is ejected downwardly from the ejection port, i.e., the bottom side of the tube. (Castro, Fig. 5; Page 2, Column 2, Lines 38-45). Castro fails to disclose and teach the possibility that that the butter is ejected in a random direction. Therefore, even if the protrusion is intended to direct the ejected butter to the front of the tray, Applicants submit that it is impossible to derive from Castro a protrusion portion which extends across the entire width of the rear wall as required by amended claim 1. Therefore, the combination of Castro and Keiji does not disclose all of the elements of amended claim 1. Thus, amended claim

1 is not obvious in view of the combination of Castro and Keiji. Accordingly, Applicants request that this rejection be withdrawn.

With respect to claim 2, the Examiner contends that the side wall 34 of Castro discloses an ejection port as required by claim 2. (Detailed Action, Item 1, Page 4). However, the opening in the side wall disclosed by Castro is not disposed in a location that would allow objects ejected from the opening to fall on a tapered portion of the protrusion portion. (See Castro, Fig. 5). Dependent claim 2 incorporates all of the limitations of claim 1, and thus, requires that “medals ejected from the medal ejection port fall on a tapered portion of the protrusion portion.” Therefore, the combination of Castro and Keiji does not disclose a tray “wherein the first side wall has the medal ejection port,” as required by claim 2. Thus, claim 2 is not obvious in view of the combination of Castro and Keiji. Accordingly, Applicants respectfully request that this rejection be withdrawn.

In light of the foregoing remarks and amendments, Applicants submit that the cited references fail to disclose, teach, or suggest the features of independent claim 1. Applicants further submit that claims 2-3 and 6, which are dependent upon claim 1, are allowable at least by reason of dependency upon an allowable base claim. Consequently, Applicants submit that the present invention is both novel and inventive over the cited references and respectfully request that the rejections be withdrawn.

**CONCLUSION**

In view of the above remarks and amendments, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

It is believed that no fee(s) other than the fee for a one (1) month extension of time is required for these submissions. Should the U.S. Patent and Trademark Office determine that additional fees are owed or that any refund is owed for this application, the Commissioner is hereby authorized and requested to charge the required fee(s) and/or credit the refund(s) owed to our Deposit Account No. 04-0100.

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Respectfully submitted,

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